

Serial No.: 09/335,377

Atty Docket No.: O2911.0007/P043-D

(B)

a system for locking said axle relative to said frame in response to said boom being elevated above a first predetermined angle and said frame being tilted by more than a second predetermined angle; and
a sensor for sensing when said frame is tilted by more than said second predetermined angle.

b2

²³ ²² 25. (Amended) The vehicle of claim 24, wherein said sensor includes an inclination switch operably connected to said hydraulic cylinder.

REMARKS

Claim 20 has been further amended, without prejudice, to recite "a system for locking said axle relative to said frame in response to said boom being elevated above a first predetermined angle and said frame being tilted by more than a second predetermined angle." Support for the change to independent claim 20 may be found in the specification, for example, column 13, lines 11 and 12, and column 14, lines 7-9. Dependent claim 25 has been amended, without prejudice, by deleting the limitation "attached to said frame" (making the dependent claim broader in scope). Claims 1-33 remain pending in the application. Applicants reserve the right to pursue the original claims and other claims in this application and in other applications. A petition for an extension of time is being filed concurrently herewith. Please charge the petition fee and any other applicable fees associated with these papers to Deposit Account No. 04/1073.

The application is objected to under 35 U.S.C. § 132 as containing new matter. Reconsideration is respectfully requested. The concern raised in the Office Action with respect to the inclination switch being "on the frame" should be obviated by the amendment to dependent claim 25. Note, however, that the claim as originally filed did not use the word "on," but instead used the phrase "attached to." In addition, please note that claim 25 does not say that the inclination switch is necessarily "connected" to the hydraulic cylinder, but rather the claim says that the switch is

Serial No.: 09/335,377

Att'y Docket No.: O2911.0007/P043-D

“operably connected” to the cylinder. Applicants respectfully submit that the application as amended contains no new matter and is in full compliance with 35 U.S.C. § 132.

Claims 20 and 21 are rejected under 35 U.S.C. § 103 as being unpatentable over Schuetz in view of Laverda. Reconsideration is respectfully requested. Schuetz discloses a wheeled material handler, with a frame 10, four wheels 11, and a pivoted shovel 17. The shovel 17 is mounted on an upright post 12 to swivel about a vertical axis (column 1, lines 56-59). The wheels 11 can be individually controlled by respective hydraulic cylinders 25 (Fig. 2), to level the frame 10 when the wheels are “resting on sloping or uneven ground” (column 2, lines 54-57), such that the pivoted device 17 swings “in a horizontal plane” during “ditching, digging or other similar operations” (column 1, lines 14-20).

When the Schuetz material handler is moving across the terrain (i.e., during transport), the cylinders 25 are unblocked such that the frame 10 is movably supported on the wheels 11 by torsion bars 20 (column 4, lines 9-16). In other words, when the Schuetz machine is in a supported, resting position, the cylinders 25 are used to level and lock the frame 10 relative to the wheels 11. When the material handler is being transported from place to place, the wheels 11 are freed from the operation of the cylinders 25, such that the wheels “move against their springs [20] in the usual manner” (column 4, lines 18-25).

As noted in the previous Amendment, Laverda relates to a threshing-harvesting machine. The Laverda combine has a hydraulic system (Fig. 2) for automatically leveling the machine body 1 (Fig. 1), as discussed in more detail in the previous Amendment.

The prior art references, even when considered in combination, fail to suggest any motivation for employing the Laverda leveling system in the Schuetz material handler. Laverda suggests the desirability of maintaining the main body of a combine in a level condition. Neither reference suggests any reason why the Laverda automatic

Serial No.: 09/335,377

Atty Docket No.: O2911.0007/P043-D

leveling system should be considered applicable or advantageous to a material handler of the type shown by Schuetz. Combines of the type disclosed by Laverda are operated on the move. Ditchers and diggers of the type taught by Schuetz are operated in a stand-still position (Schuetz, column 1, lines 16-20). Without the benefit of Applicants' own disclosure, there is no reason why a system for automatically controlling the orientation of the main body of a combine should be considered applicable to a material handler of the type taught by Schuetz. For these and other reasons, Applicants respectfully submit that the rejection of claims 20 and 21 should be withdrawn.

Claims 22-25 (as amended) should be allowable for the reasons discussed above in connection with claim 20 and for other reasons.

The allowance of claims 1-19 and 26-33 is gratefully acknowledged.

In connection with the foregoing, please note that Applicants reserve the right to pursue the original claims and other claims in this reissue application and in other applications. The canceled and/or amended claims have been canceled and/or amended solely for the purpose of furthering the prosecution of the present application. Applicants reserve the right to claim the subject matter of the canceled claims, the claims pending prior to this Amendment, and/or the subject matter of other claims embodied in this application, or any continuation, division, continued prosecution application, subsequent reissue, reexamination or other application. Any amendments made to the application are not made for the purpose of distinguishing the claims over prior art except as specifically discussed in the Remarks section of this paper. Applicants may file a continuing application or a request for continued examination with claims that do not contain the limitations discussed in this paper, and Applicants expressly reserve the right to do so.

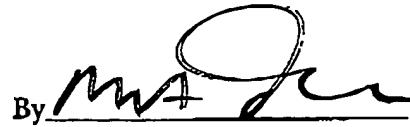
Serial No.: 09/335,377

Arr'y Docket No.: O2911.0007/P043-D

Allowance of the application is solicited.

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Respectfully submitted,

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